

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

Case No. 1:05-md-01720-MKB-VMS

**DECLARATION OF DANIEL A. SASSE IN SUPPORT OF OPTIUM'S
MOTION FOR A PRELIMINARY INJUNCTION**

I, Daniel A. Sasse, hereby declare as follows

1. I am Partner in the law firm of Crowell & Moring LLP and counsel of record for Optium Capital LLC ("Optium") in the above-captioned matter. I have personal knowledge of the facts set forth herein and, if called upon, could and would competently testify thereto under oath.

2. I submit this declaration in connection with Optium's Notice of Motion for a Preliminary Injunction, filed contemporaneously herewith.

3. Attached as Exhibit A is a true and correct copy of the *Cascade Settlement Services LLC v. Optium Capital LLC, et al.* Complaint filed on August 13, 2024 in the Superior Court of the State of California for the City and County of Marin, No. CV003663 by Cascade Settlement Services LLC (d/b/a Spectrum) ("Cascade").

4. Attached as Exhibit B is a true and correct copy of the Notice of Removal, ECF. No. 001, filed in the Northern District of California on August 19, 2024 removing *Cascade Settlement Services LLC v. Optium Capital LLC, et al.* to the Federal District Court of the Northern District of California, Case No. 3:24-cv-05372.

5. Attached as Exhibit C is the “Notice of Potential Tag-Along” filed with the Judicial Panel on Multidistrict Litigation, MDL No. 1720, ECF No. 547, on August 19, 2024 seeking to transfer this action to the Eastern District of New York and this Court.

6. Optium purchased class action claims from the Vail Corporation (“Vail”), Peet’s Coffee and Tea, Inc. (“Peet’s”), Sleepy’s, LLC (“Sleepy’s”), The Sleep Train, Inc. (“Sleep Train”), and Redcats USA, Inc. (now FullBeauty Brands, L.P.) (“FullBeauty Brands”) in the *Visa Antitrust Litigation*.

7. Optium and Cascade have already engaged with the Class Administrator on Special Master processes as detailed in Exhibit B relating to disputes over the Vail, Peet’s, Sleepy’s, Sleep Train, and FullBeauty Brands claims. *See* Exhibit D, Letter from Optium Counsel to Class Counsel and Class Administrator attempting to resolve disputes with Spectrum.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of August, 2024 in Irvine, California.

/s/ Daniel A. Sasse
Daniel A. Sasse

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2024, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Daniel A. Sasse

Daniel A. Sasse